REMARKS/ARGUMENTS

Reconsideration of this Application is respectfully requested. Claims 1, 3-6, and 8-25 are pending in the present application. Claims 2 and 7 were previously cancelled. Claims 1, 6, 11, 18, and 22 have been amended and claims 26 and 27 added herein. In the Office Action mailed March 9, 2007, the Examiner rejected pending claims 1, 3-6, and 8-25 on various grounds. In view of the following remarks, favorable consideration and allowance of the application is respectfully requested.

35 U.S.C. §102 Rejections

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102 rejection, the references cited by the Examiner must show each and every limitation of the claims in complete detail. The Applicant respectfully asserts that the cited references fail to do so.

A. Claims 1, 3-6, 8-11, 13, 14, 17, 18, and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0204238 to Tedeschi (the *Tedeschi* publication).

The Applicant respectfully asserts that the *Tedeschi* publication fails to teach or suggest all the claim limitations.

The *Tedeschi* publication fails to disclose, teach, or suggest:

> a stent delivery system including a stent having a first region and a second region, a first coating section disposed on the first region, and a second coating section disposed on the second region, wherein the first region and the second region are discrete, and the first coating section and the second coating section are discrete, as recited in amended independent claim 1;
>
> a coated stent including a stent having a first region and a second region, a first coating section disposed on the first region, and a second coating section disposed on the second region, wherein the first region and the second region are discrete, and the first

coating section and the second coating section are discrete, as recited in amended independent claim 6;

a method for producing a coated stent including providing a stent having a first region and a second region, applying a first polymer solution to the first region to form a first coating section blanketing the first region, applying a second polymer solution to the second region to form a second coating section blanketing the second region, and wherein the first coating section and the second coating section are discrete, as recited in amended independent claim 11;

a system for producing a coated stent including means for providing a stent having a first region and a second region, means for applying a first polymer solution to the first region to form a first coating section blanketing the first region; means for applying a second polymer solution to the second region to form a second coating section blanketing the second region, and wherein the first coating section and the second coating section are discrete, as recited in amended independent claim 18; or

a coated stent including a stent having a discrete first region and a discrete second region, a first polymer disposed on and blanketing the discrete first region as a first coating section, and a second polymer disposed on and blanketing the discrete second region as a second coating section, and wherein the first coating section and the second coating section are discrete, as recited in amended independent claim 22.

The *Tedeschi* publication discloses a uniform base coating layer with a second coating layer in the crimpable zones. The second coating layer adheres to the base coating layer. *See* paragraph [0034]. The coating 212 overlies the stent frame 214. *See* Figure 3; paragraph [0027]. The *Tedeschi* publication fails to disclose discrete first and second regions or discrete first and second coating sections as claimed.

Claims 3-5; claims 8-10; claims 13, 14, and 17; and claims 20 and 21 depend directly or indirectly from independent claims 1, 6, 11, and 18, respectively, and so include all the elements and limitations of their respective independent claims. The Applicant therefore submits that the dependent claims are allowable over the *Tedeschi* publication for at least the same reasons as set forth above with respect to their independent claims.

Withdrawal of the rejection of claims 1, 3-6, 8-11, 13, 14, 17, 18, and 20-22 under 35 U.S.C. §102(e) as being anticipated by the *Tedeschi* publication is respectfully requested.

B. Claims 22 and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,616,765 to Castro, *et al*. (the *Castro* patent).

The Applicant respectfully asserts that the *Castro* patent fails to teach or suggest all the claim limitations.

The *Castro* patent fails to disclose, teach, or suggest:

> a coated stent including a stent having a discrete first region and a discrete second region, a first polymer disposed on and blanketing the discrete first region as a first coating section, and a second polymer disposed on and blanketing the discrete second region as a second coating section, and wherein the first coating section and the second coating section are discrete, and the discrete first region has a longitudinal length greater than the diameter of the stent in an expanded state, as recited in amended independent claim 22.

The *Castro* patent discloses that a composition 10 is deposited in a preselected geometrical pattern on prosthesis 12. *See* column 14, lines 65-67; Figures 13A-13H. A second composition 80 can be deposited onto prosthesis 12. *See* column 17, lines 61-64. The *Castro* patent fails to disclose blanketing a discrete first region and blanketing a discrete second region or the discrete first region having a longitudinal length greater than the diameter of the stent in an expanded state as claimed.

Claim 23 depends directly from independent claim 22 and so includes all the elements and limitations of independent claim 22. The Applicant therefore submits that the dependent claim is allowable over the *Castro* patent for at least the same reasons as set forth above with respect to independent claim 22.

Withdrawal of the rejection of claims 22 and 23 under 35 U.S.C. §102(e) as being anticipated by the *Castro* patent is respectfully requested.

35 U.S.C. §103 Rejections

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. *See* MPEP 2143. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught

or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See* MPEP 2143.03.

C. Claims 11-21, 24, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over the C*astro* patent.

The Applicant respectfully asserts that the *Castro* patent fails to teach or suggest all the claim limitations.

The *Castro* patent fails to disclose, teach, or suggest:

> a method for producing a coated stent including providing a stent having a first region and a second region, applying a first polymer solution to the first region to form a first coating section blanketing the first region, applying a second polymer solution to the second region to form a second coating section blanketing the second region, and wherein the first coating section and the second coating section are discrete, and the first region has a longitudinal length greater than the diameter of the stent in an expanded state, as recited in amended independent claim 11;
>
> a system for producing a coated stent including means for providing a stent having a first region and a second region, means for applying a first polymer solution to the first region to form a first coating section blanketing the first region; means for applying a second polymer solution to the second region to form a second coating section blanketing the second region, and wherein the first coating section and the second coating section are discrete, and the first region has a longitudinal length greater than the diameter of the stent in an expanded state as recited in amended independent claim 18; or
>
> a coated stent including a stent having a discrete first region and a discrete second region, a first polymer disposed on and blanketing the discrete first region as a first coating section, and a second polymer disposed on and blanketing the discrete second region as a second coating section, and wherein the first coating section and the second coating section are discrete, and the discrete first region has a longitudinal length greater than the diameter of the stent in an expanded state, as recited in amended independent claim 22.

The *Castro* patent discloses that a composition 10 is deposited in a preselected geometrical pattern on prosthesis 12. *See* column 14, lines 65-67; Figures 13A-13H. A second composition 80 can be deposited onto prosthesis 12. *See* column 17, lines 61-64. The *Castro* patent fails to disclose blanketing a discrete first region and blanketing a discrete second region

or the first region having a longitudinal length greater than the diameter of the stent in an expanded state as claimed.

Claims 12-17; claims 19-21; and claims 24 and 25 depend directly or indirectly from independent claims 11, 18, and 22, respectively, and so include all the elements and limitations of their respective independent claims. The Applicant therefore submits that the dependent claims are allowable over the *Castro* patent for at least the same reasons as set forth above with respect to their independent claims.

Withdrawal of the rejection of claims 11-21, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over the *Castro* patent is respectfully requested.

New Claims

Claims 26 and 27 have been added herein to more particularly point out and distinctly claim the Applicant's invention. Claims 26 and 27 are allowable over the cited references for at least the reasons discussed above for their respective independent claims 1 and 6. No new matter has been added with the inclusion of claims 26 and 27, which are supported in the specification at least on pages 6-8 and Figures 2-4.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

__/Alan M. Krubiner, Reg. No. 26,289/___
Alan M. Krubiner
Registration No. 26,289
Attorney for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420